



Requests for Production of Documents

Sample

What are requests for production of documents?

Requests for Production of Documents are formal demands for relevant records, files, and evidence in a lawsuit. EvenUp's template is optimized to surface high-value documents that strengthen liability and damages arguments.

Requests for Production of Documents

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VIA CERTIFIED MAIL
VIA FAX
VIA EMAIL: [[adjusteremail]]
[[insurancecarrier]]
[[adjusterfirstname]] [[adjusterlastname]]
[[insuranceaddress]]

RE: SETTLEMENT DEMAND
Your Insured: [[defendantfirstname]] [[defendantlastname]]
My Client: Earl Marshall
Date of Loss: May 24, 2022
Claim No.: [[claimnumber]]

1. OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION

1: For each expert who is used for consultation and is not expected to be called as a witness but whose work has been reviewed by an expert who may be called as a witness, complete copies of

VIA CERTIFIED MAIL

VIA FAX

VIA EMAIL: [[adjusteremail]]

[[insurancecarrier]]

[[adjusterfirstname]] [[adjusterlastname]]

[[insuranceaddress]]

RE: SETTLEMENT DEMAND

Your Insured: [[defendantfirstname]] [[defendantlastname]]

My Client: Earl Marshall

Date of Loss: May 24, 2022

Claim No.: [[claimnumber]]

1. OBJECTIONS AND RESPONSES TO REQUEST FOR PRODUCTION

1: For each expert who is used for consultation and is not expected to be called as a witness but whose work has been reviewed by an expert who may be called as a witness, complete copies of any and all written reports of each such expert, with each report including but not limited to the following information; all factual observations, tests, supporting data, calculations, photographs and opinions. If reports have not been generated then consider this to be a request to have each such expert's report reduced to tangible form. In addition, the following:

1. Resume or summary of education, training, experience, occupation and qualifications;
2. All tests, experiments demonstrations, graphs, charts, photographs, moving pictures, video tapes, models, computer graphics, calculations, mental impressions and opinions of such person that are in any way relevant to any issue in this case;
3. All documents containing communications between such person and Plaintiff and Plaintiff's agents, attorneys and representatives;
4. Copies of any and all documents which contain information regarding litigation in which said person has rendered any type of opinion or performed any services, within the past two (2) years;
5. Contract of employment in this case and any and all fee statements; and
6. Such person's entire file regarding any issue concerning this suit.

RESPONSE: Plaintiff objects to this Request as overbroad, violative of work product, and to the extent it is violative of Texas Rules of Civil Procedure 194 and 195 because it requests information about experts, which Defendant is only able to obtain through Expert Disclosures under Texas Rule of Civil Procedure 195.5. Subject to the foregoing objections and without waiving the same: Plaintiff refers to Plaintiff's Expert Designation previously served, as well as expert depositions expected to be taken in this matter, and accordingly incorporates them by reference, as though fully produced herein. Plaintiff also agrees to enter into a mutually agreeable, reasonable agreement regarding the exchange of this information before trial.

2: Drawings, photographs, or videotapes or other depiction that reflect or in any way relate to the occurrence made the basis of the Plaintiff's suit.

RESPONSE: Please see No exhibits available - police report does not exist for this incident attached.

3: If you are claiming lost wages or loss of earning capacity, documents that in any way substantiate that claim for lost earning capacity or wages, including, but not limited to:

1. medical disability forms;
2. W2 Statements;
3. tax returns for the five years prior to the incident in question; and
4. payroll records or check stubs.

Defendant(s) request(s) also Plaintiff to sign the attached employment verification and W2 release forms.

RESPONSE: Plaintiff is not making any claim for past or future lost wages or loss of earning capacity.

4: Explanation of Benefits forms, correspondence, liens, and any other documents sent to Plaintiff from Plaintiff's health insurer that pertain to any health/dental claim made as a result of the event made the basis of this suit.

RESPONSE: Plaintiff objects to this request as vague and ambiguous, not reasonably calculated to lead to admissible evidence, in violation of the collateral source rule, in violation of Rule 408 of the Texas Rules of Civil Evidence, prejudicial to Plaintiff's fair trial rights, and would impair Plaintiff's common law rights to recover full amounts for liens and subrogation interests. The patient's insurance information shows coverage under BCBS - BCBS Of TX PPO/POS.

5: Forms, correspondence, and any other documents sent by Plaintiff to Plaintiff's health insurer that pertains to any health/dental claim made as a result of the event made the basis of this suit.

RESPONSE: Plaintiff objects to this request as overly broad, not properly limited in time and scope, lacking necessary particularity, and outside the scope of permissible discovery under Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. Medical records show insurance payments were processed, including BCBS payments of \$395.14 and Blue Cross Blue Shield of Texas insurance payments totaling \$692.00.

6: If you have ever made any other claims or filed any other lawsuits including workers compensation claims and suits, produce the documents in your possession and/or control from those lawsuits and claims, including documents which were filed with any court or governmental agency, deposition testimony, and trial transcripts.

RESPONSE: Plaintiff objects to this request as overly broad, not properly limited in time and scope to issues in dispute, lacking necessary particularity, and outside the scope of permissible discovery under Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. The medical records indicate this case involves a motor vehicle accident that occurred on 05/24/2022 with treatment spanning from the date of incident through February 10, 2025.

7. If you possessed a cell phone at the time of the accident, provide your cell phone records for the date of the accident starting from one hour before up to the hour after the accident that shows incoming and outgoing calls, text messages, electronic mail and web browsing

data for the date of the accident. This request does not seek the content but only the date, time and duration of the communication.

RESPONSE: Plaintiff objects to this Request as irrelevant, immaterial and an invasion of privacy not outweighed by any tendency to lead to the discovery of admissible evidence, and constitutes an improper fishing expedition. See *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989), *K-Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *In re Alford Chevrolet-Geo*, 997 S.W.2d

173, 181 (Tex. 1999). Plaintiff was not using a cell phone at the time of the occurrence. There is no contention in this case that Plaintiff was using a cell phone at the time of the occurrence, and even if Plaintiff had been using a cell phone, there is no contention that such proximately caused the collision. Therefore, Plaintiff will not be producing documents.

8: Narrative reports furnished to Plaintiff or Plaintiff's attorney(s) by any and all of the doctors, dentists, or other medical provider, including chiropractors and your primary care physician, who treated Plaintiff for the injuries alleged to have been caused by the incident upon which this lawsuit is based. Additionally, Plaintiff is requested to sign the medical authorization attached.

RESPONSE: Plaintiff objects to this Request as overbroad, violative of work product, and to the extent it is violative of Texas Rules of Civil Procedure 194 and 195 because it requests information about experts, which Defendant is only able to obtain through Expert Disclosures under Texas Rule of Civil Procedure 195.5. Subject to the foregoing objections and without waiving the same: Plaintiff refers to Plaintiff's Expert Designation previously served, as well as expert depositions expected to be taken in this matter, and accordingly incorporates them by reference, as though fully produced herein. Plaintiff also agrees to enter into a mutually agreeable, reasonable agreement regarding the exchange of this information before trial.

9: Copies of bills, charges, receipts, invoices, etc. for any and all medical expenses, dental expenses, diagnostic testing, and/or health care or treatment incurred by Plaintiff for the injuries alleged to have been caused by the incident upon which this lawsuit is based. This would include charges related to any care such as physical therapy, rehabilitation, home health care, nursing home or facility care, prescription medications, counseling, and medical equipment which was rented or purchased by Plaintiff or which was billed to Plaintiff, consultations, and counseling.

RESPONSE: Please see Plaintiff's medical bills attached.

10: Drawings, maps, or sketches of the scene of the incident made the basis of this suit, including drawings, maps, or sketches of the scene that were made at any inspection of the scene.

RESPONSE: The Dallas Police Department reviewed their files and determined there were no responsive documents to the request for incident reports. No certified crash report is available for attachment.

11: Surveillance movies, photographs, or videotapes in which any employee, representative, or agent of Defendant(s) appear(s).

RESPONSE: Please see No surveillance materials identified in available documents attached.

12: Medical records pertaining to the care and treatment of the Plaintiff by any practitioner of the healing arts, **including your primary care physician**, who treated Plaintiff for the injuries alleged to have been caused by the incident upon which this lawsuit is based.

RESPONSE: Plaintiff objects to the preceding Interrogatory in that it seeks information which is privileged and protected from discovery, pursuant to the physician-patient privilege and Texas Rules of Evidence 509 and 510. Specifically, Plaintiff objects to providing any information, or authorizing the release of any information concerning Plaintiff's medical treatment or condition,

except as such relates to the specific body parts which Plaintiff is claiming an injury to in this lawsuit. Subject to the foregoing objection and without waiving the same: Please see Plaintiff's medical records attached.

13: Photographs, videotape, or other recording that depict Plaintiff's alleged injuries in this lawsuit, including any photographs, videotape, or other recording that depict or show any disfigurement of Plaintiff as a result of the incident made the basis of this lawsuit.

RESPONSE: Please see No photographs/recordings of plaintiff's injuries identified in available documents attached.

14: Photographs, videotape, or other recording that depicts the incident scene made the basis of this lawsuit (including any taken at an inspection of the scene), including photographs, videotape, or other recording that depicts the damage to the vehicle you were in at the time of the accident or any other vehicle involved in the lawsuit.

RESPONSE: Please see No incident scene photographs/recordings identified in available documents attached.

15: Photographs, videotape, or other recording which Plaintiff intends to use at trial to depict Plaintiff's life before the incident made the basis of this lawsuit and after incident made the basis of this lawsuit.

RESPONSE: At this time, Plaintiff does not have documents responsive to this Request in Plaintiff's possession, custody or control. Plaintiff reserves the right to supplement this request should any documents become available. Plaintiff agrees to produce all trial exhibits in accordance to a mutually agreed scheduling order.

16: A complete copy of the front and back of Plaintiff's current driver's license.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. Subject to the foregoing objection and without waiving the same: Plaintiff will supplement.

17: A copy of any report, diary, notes, calendars, and documents, made by Plaintiff, Plaintiff's family, or Plaintiff's representatives or agents relating to the incident made the basis of this suit. This is not intended to request attorney work product.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192.

18: The Texas Workers' Compensation Commission claim file that was filed as a result of this accident, if any.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. Subject to the foregoing objection and without waiving the same: None to Plaintiff's recollection.

19: Documents regarding any medicine prescribed for Plaintiff by any medical doctor, including your primary care physician, since the incident made the basis of this suit, including medicines prescribed for Plaintiff within the five-year period before incident made the basis of this suit.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. Subject to the foregoing objection and without waiving the same: Medical records from the following providers will be produced:

- Baylor Scott & White Medical Center - Plano for services on May 24, 2022
- Texas Healthcare Neck & Back Clinics for services from August 10, 2022 - June 12, 2023
- Trusted Medical Providers for services on August 16, 2022
- DFW Open MRI for services on August 29, 2022
- Epic Pain & Orthopedics for services from September 20, 2022 - February 10, 2025

- ProMed, Inc. for services from December 7, 2023 - June 13, 2024
- Elite Anesthesia for services on December 18, 2024 and January 8, 2025
- Mira Vista Pharmacy for services on October 24, 2024

20: Documents in the possession or constructive possession of Plaintiff from any other claims made by Plaintiff for personal injury in the last five (5) years (but which did not result in the filing of a lawsuit), including all accident reports, witness statements, medical records, reports, bills, photographs, correspondence to any insurance carrier, demand letters or offers to settle, or settlement agreements.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192. Subject to the foregoing objection and without waiving the same: None to Plaintiff's recollection.

21: A list of the documents withheld from production by you on the grounds of privilege or the work product doctrine.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rules of Civil Procedure 192.

22: A copy of the police report, accident report, or other report of any governmental agency relating to the accident made the basis of this suit.

RESPONSE: At this time, Plaintiff does not have documents responsive to this Request in Plaintiff's possession, custody or control. The Dallas Police Department has reviewed its files and has determined there are no responsive documents to your request. Plaintiff reserves the right to supplement this request should any documents become available.

23: With respect to the vehicle which you were driving at the time of the incident made the basis of this lawsuit, a copy of repair estimates, invoices, bills, computer print-outs, canceled checks, receipts, correspondence, forms, credit card receipts, appraisals, and written documentation which shows the name, address, and phone number of the person and/or facility which repaired your vehicle.

RESPONSE: This Request seeks information and/or documents readily available to Defendant and necessarily in Defendant's possession. The information and/or documents can be obtained without resort to discovery so good cause does not exist for producing same. See *Texhoma Stores, Inc. v. American Central Ins. Co.*, 424 S.W.2d 466 (Tex. Civ. App. - Dallas 1968, writ ref'd n.r.e.).

24: With respect to the vehicle which you were driving at the time of the incident made the basis of this lawsuit, a copy of repair estimates, invoices, bills, computer print-outs, canceled checks, receipts, correspondence, forms, credit card receipts, appraisals, and written documentation which shows the date(s) on which your vehicle was repaired.

RESPONSE: This Request seeks information and/or documents readily available to Defendant and necessarily in Defendant's possession. The information and/or documents can be obtained without resort to discovery so good cause does not exist for producing same. See *Texhoma Stores, Inc. v. American Central Ins. Co.*, 424 S.W.2d 466 (Tex. Civ. App. - Dallas 1968, writ ref'd n.r.e.).

25: With respect to the vehicle which you were driving at the time of the incident made the basis of this lawsuit, a copy of repair estimates, invoices, bills, computer print-outs, canceled checks, receipts, correspondence, forms, credit card receipts, appraisals, and written documentation which shows the name, address, and phone number of the person and/or entity which paid for the repairs to your vehicle.

RESPONSE: This Request seeks information and/or documents readily available to Defendant and necessarily in Defendant's possession. The information and/or documents can be obtained without resort to discovery so good cause does not exist for producing same. See *Texhoma Stores, Inc. v. American Central Ins. Co.*, 424 S.W.2d 466 (Tex. Civ. App. - Dallas 1968, writ ref'd n.r.e.).

26: Color copies of the photographs which you took at the scene of the accident made the basis of this lawsuit, of the vehicle which you were driving at the scene of the accident made the basis of this lawsuit.

RESPONSE: No such photographs exist.

27: Color copies of photographs which you took at the scene of the motor vehicle accident in which you were involved, including photographs of your vehicle and the other person's vehicle.

RESPONSE: No such photographs exist.

28: Please produce copies of all convictions that you intend to use at trial to impeach Defendant or Defendant's witnesses.

RESPONSE: None at this time. Should any convictions become known, Plaintiff reserves the right to supplement this response pursuant to Texas Rules of Evidence 609(f).

29: Pursuant to "*Section III of the Medicare, Medicaid and SCHIP Extension Act of 2007*", please complete the attached questionnaire concerning Medicare reporting. Please note that a response to this request is mandatory under the above federal regulation.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rule of Civil Procedure 192.

30: If you have received any type of settlement or benefits as a result of this incident from any source, (to include but not be limited to short or long term disability, healthcare, personal injury protection (PIP), Medpay, Medicare, Medicaid, Social Security Disability) please produce all "documents and tangible things" containing any type of information pertaining to such settlement or benefits [in addition to any settlement agreements you may have produced or will produce in

response to this Defendant(s)' Request for Disclosure to you]. This request specifically requires you to produce documents and tangible things referring or relating to assignments, subrogation interests and liens again any recovery you may realize in this suit.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rule of Civil Procedure 192.

31: If you are making a claim for property damage, please produce a copy of the following:

- - a. Copies of title or registration showing the ownership of the property;
 - b. Copies of the estimates you received concerning the property damage;
 - c. Copies of documents evidencing the repair or salvage of the property;
 - d. Copies of settlement drafts and/or releases concerning the property damage and rental car reimbursement, for damages sustained as a result of this incident;
 - e. Copies of rental car receipts for expenses you are claiming, which have not been paid by your insurance carrier;
 - f. If you are claiming diminished value, please produce copies of documents supporting your claim;

RESPONSE: This Request seeks information and/or documents readily available to Defendant and necessarily in Defendant's possession. The information and/or documents can be obtained without resort to discovery so good cause does not exist for producing same. See *Texhoma Stores, Inc. v. American Central Ins. Co.*, 424 S.W.2d 466 (Tex. Civ. App. - Dallas 1968, writ ref'd n.r.e.).

32: If you are enrolled in either Medicare Advantage Plan, Medicare Part A or Medicare Part B, please provide a copy of your insurance card.

RESPONSE: Plaintiff objects to the preceding Request because it is overly broad and not properly limited, in time and scope, to the issues in dispute in this litigation. Such Request does not specify with necessary particularity the information being sought and, as such, is outside the scope of permissible discovery, pursuant to the Texas Rule of Civil Procedure 192.3(a) and comment 1 to Texas Rule of Civil Procedure 192.

33: A copy of all documents and electronically stored information recording the use on the day of the incident made the basis of this litigation of any cell phone, PDA, or other electronic device which was in the physical possession of Plaintiff at the time of the incident made the basis of this litigation.

RESPONSE: Plaintiff objects to this Request as irrelevant, immaterial and an invasion of privacy not outweighed by any tendency to lead to the discovery of admissible evidence, and constitutes an improper fishing expedition. See *Loftin v. Martin*, 776 S.W.2d 145, 148 (Tex. 1989), *K-Mart Corp v. Sanderson*, 937 S.W.2d 429, 431 (Tex. 1996); *In re Alford Chevrolet-Geo*, 997 S.W.2d 173, 181 (Tex. 1999). Plaintiff was not using a cell phone at the time of the occurrence. There is no contention in this case that Plaintiff was using a cell phone at the time of the occurrence, and even if Plaintiff had been using a cell phone, there is no contention that such proximately caused the collision. Therefore, Plaintiff will not be producing documents.

34: All invoices, bills, or other billing materials for each expert Plaintiff expects to testify at trial.

RESPONSE: Plaintiff objects to this Request as overbroad, violative of work product, and to the extent it is violative of Texas Rules of Civil Procedure 194 and 195 because it requests information about experts, which Defendant is only able to obtain through Expert Disclosures under Texas Rule of Civil Procedure 195.5. Subject to the foregoing objections and without waiving the same: Plaintiff refers to Plaintiff's Expert Designation previously served, as well as expert depositions expected to be taken in this matter, and accordingly incorporates them by reference, as though fully produced herein. Plaintiff also agrees to enter into a mutually agreeable, reasonable agreement regarding the exchange of this information before trial.

35: Any court documents, such as pleadings and judgments, on any criminal or civil actions in which Plaintiff is and/or was a party in the last ten (10) years.

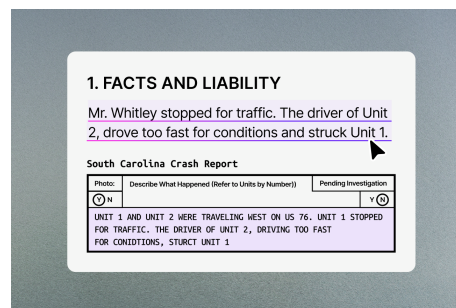
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\$385M

Capital Raised

\$2B

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2,000+

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Resolved from missing
documents

